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Atty. Dkt. No 041673-0301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward Dennis
Title: CLONED HUMAN
LYSOPHOSPHILIPASE
Appl. No.: 09/493,601
Filing Date: 01/28/2000
Examiner: T. Saidha
Art Unit: 1652
Confirmation Number: 2450

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below: _____ Rachel Copuro (Printed Name) _____ (Signature) November 7, 2006 (Date of Deposit)
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PETITION TO RESTART PERIOD FOR RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner to remail and restart the period of time for response to the office action in the above-captioned matter that was mailed on May 10, 2006, on the basis that the Action was not mailed to the correspondence address of record for Applicants' representative (see, MPEP §§ 710.06 and 707.13; see also, *Ex parte Gourtoff*, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924)).

On April 25, 2006, Applicants submitted a Change of Correspondence Address, Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney by Assignee in this matter. Notices confirming acceptance of the new Power of Attorney were mailed by the Office to Applicants' current and former representatives on May 10, 2006, and are of record in the Patent Offices file for this application. However, on the same day, a first Office Action on the merits was apparently also mailed and addressed to Applicants' former representative, Fuess & Davidson, a firm no longer in business.

DLMR_201263.1

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As stated in the enclosed Declaration, Applicants' current representative, Foley & Lardner LLP, performed a routine status check of the PAIR database for the application on November 7, 2006, and discovered that an Office Action had been erroneously mailed to the Applicants' former representative on May 10, 2006. Based on the printout of the Office Action available in the IFW for this application, the Action includes a requirement for submission of a new Oath/Declaration and several complex prior art rejections. It is not possible for Applicants to fully respond to the Office Action by the original final deadline for doing so of November 10, 2006.

MPEP Section 707.13 states that "[if an] Office action was not mailed to the correct correspondence address, it should be stamped "remailed" with the remailing date and mailed to the correct correspondence address. The period running against the application begins with the date of remailing." (emphasis in original).

Remailing and resetting of the Office Action for the six month period for response available under 37 CFR Section 1.134 to run from the date of remailing is hereby requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this petition under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date

11 - 7 - 06

By



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